

REMARKS

Claims 1-12, 14-25, 27, 69-74, 76-87 and 89-93 were previously pending in the subject application. As noted above, claims 22-25, 27 and 92 have been amended to correct an antecedent basis issue, independent claims 1, 11, 22, 74 and 89 have been amended with subject matter substantially from previously presented claims 86 or 87, while claims 11 and 92 have been further amended with subject matter substantially corresponding to previously pending claim 12. Further, claim 87 has been amended based on the amendment to independent claim 11, and claims 12 and 86 have been cancelled. As these amendments merely correct antecedent basis issues or re-present previously presented subject matter, no new issues have been raised. Thus, claims 1-11, 14-25, 27, 69-74, 76-85, 87 and 89-93 are currently pending.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 22-25, 27 and 92 under 35 U.S.C §112

Claims 22-25, 27 and 92 stand rejected under 35 U.S.C §112, first paragraph, as failing to comply with the enablement requirement. The Examiner contends that the respective claims call for numerous computers and that this subject matter is not supported by the Specification. Applicants respectfully traverse this rejection, however, as this issue relates to a typographical error and not to enablement. In particular, Applicants have amended claims 22-25, 27 and 92 to change "a" to --the-- to correct a typographical error. Accordingly, Applicants have maintained proper antecedent basis for the term "computer." Thus, this rejection is moot. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 22-25, 27 and 92 under 35 U.S.C §112, first paragraph.

II. Rejection of Claims 1, 3-8, 10-12, 14-16, 18, 19, 21-24, 27, 28, 69-73, 74, 77-82, 85, 89 and 90-93 Under 35 U.S.C. §103(a)

Claims 1, 3-8, 10-12, 14-16, 18, 19, 21-24, 27, 28, 69-73, 74, 77-82, 85, 89 and 90-93 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curry et al. (US 2003/0169727) in view of Crosbie (US 2002/0035699 A1). Applicants respectfully traverse this rejection.

NOTE: Applicants have considered claim 11 in this response, as the Examiner addressed claim 11 in the explanation of this rejection but did not include claim 11 in the list of claims in the heading for the rejection.

As noted above, claim 12 has been cancelled, thereby making this rejection moot with respect to claim 12.

Independent claims 1, 11, 22, 74 and 89 are patentable over the cited references, as any combination of Curry and Crosbie fails to disclose or suggest a system, method or computer program product including, at least:

Claim 1:

transforming the voice data in IP protocol to the wireless device OTA protocol without vocoding the voice data; ...

transforming voice data in the wireless device OTA protocol received from the target wireless device to IP protocol without devocoding the voice data;

Claim 11:

transforming, at the first infrastructure component, the voice data in IP protocol to an over-the-air (OTA) protocol different from IP protocol without vocoding the voice data; ...

transforming, at the first infrastructure component, voice data in the OTA protocol received from the wireless device to IP protocol without devocoding the voice data;

Claim 22:

codes for causing the computer to convert, at the first infrastructure component, the voice data in Internet protocol (IP) to voice data in over-the-air (OTA) protocol packets, without vocoding the voice data, to render first converted packets, wherein the OTA protocol is different from IP and supported by the wireless device; ...

codes for causing the computer to convert voice data in OTA protocol packets from the wireless device not supporting IP to IP packets, without devocoding the voice data, to render second converted packets;

Claim 74:

transforming voice data in IP protocol to the wireless device OTA protocol without vocoding the voice data; ...

transforming voice data in wireless device OTA protocol from the target wireless device to IP protocol without devocoding the voice data;

Claim 89:

means for transforming, at the infrastructure component, the voice data in IP protocol to an over-the-air (OTA) protocol different from IP protocol without vocoding the voice data; ...

means for transforming, at the first infrastructure component, voice data in the OTA protocol received from the wireless device to IP protocol without devocoding the voice data.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the references and there must be some suggestion or motivation, in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.¹

The Examiner has already admitted that the above-noted features are not disclosed or suggested by any combination of Curry and Crosbie.²

With regard to previously pending claims 86 and 87, portions of the subject matter of which have been included in the present claims, the Examiner attempts to cure the deficiencies of Curry and Crosbie by contending that it would have been obvious to modify Curry/Crosby with the teachings of Rabipour.³

Applicants respectfully disagree, however, as any attempt to modify Curry by the teachings of Rabipour to form the presently recited subject matter is improper, as such a modification violates the principle of operation of Curry.

In the system of Curry, referring to Figs. 1 and 2, a wireless gateway system 5 connected to the Internet 31 provides a wireless handset 1 with an interface to the Internet 31. In particular, the gateway compresses and decompresses received voice frequency communication signals.⁴ Moreover, Curry stresses that such compression and decompression of received voice frequency communication signals is a “necessary” function of the wireless gateway system 5.⁵ As such, the compression/decompression or vocoding/devocoding functionality of Curry is part of the principle of operation of Curry. As is known, “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”⁶ In this instance, the suggested modification of Curry to include the teachings of Rabipour, which would allegedly result in avoiding the previously “necessary” compression/decompression or vocoding/devocoding functionality, thereby involves a substantial redesign of the elements of

¹ MPEP, section 2142.

² See, e.g., Office Action mailed August 20, 2008, pages 14-15 relating to the rejections of previously pending claims 86 and 87.

³ *Id.*

⁴ See, e.g., Curry, page 2, paragraph 0019, lines 7-9; and page 7, paragraph 0081.

⁵ *Id.* at page 3, paragraph 0033, lines 10-12.

⁶ *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Curry. Further, this suggested modification/redesign changes the basic principle of operation of Curry, eliminating the “necessary” functionality stated by Curry. Based on the above-noted case law, such a modification is not proper. Therefore, since the proposed modification would change the principle of operation of Curry, the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Additionally, the proposed modification of Curry with Rabipour would disable Curry’s ability to successfully communicate the voice signals. As is known, there is no suggestion or motivation to make the proposed modification if the result renders the prior art invention being modified unsatisfactory for its intended purpose.⁷ Therefore, since the proposed modification renders Curry unsatisfactory for its intended purpose, the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Thus, based on these remarks, independent claims 1, 22, 74 and 89 are patentable over any combination of the cited references.

Claims 3-8, 10, 12, 14-16, 18, 19, 21, 23, 24, 27, 28, 69-73, 77-82, 85 and 90-93 depend from one of independent claims 1, 22 or 74, and thus are patentable for at least the same reasons. Further, each of these claims further recites a combination of subject matter that is not disclosed or suggested by any combination of the cited references.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3-8, 10, 12, 14-16, 18, 19, 21-24, 27, 28, 69-73, 74, 77-82, 85, 89 and 90-93 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curry in view of Crosbie.

III. Rejection of Claims 2, 9, 17, 20, 25, 76 and 84 under 35 U.S.C. §103(a)

Claims 2, 9, 17, 20, 25, 76 and 84 stand rejected under 35 U.S.C. §103(a) as being obvious over Curry et al. (US 2003/0169727) in view of Crosbie (US 2002/0035699 A1) as applied to claims 1, 11, and 74 and further in view of Jiang (US 7,058,076 B1).

Applicants respectfully traverse this rejection, as any combination of Curry, Crosbie and Jiang fails to disclose or suggest the recited subject matter. In particular, claims 2, 9, 17, 20, 25, 76 and 84 respectively depend from one of independent claims 1, 11, 22 or 74, which as amended are patentable over Curry and Crosbie as admitted by the Examiner.⁸ Further, Jiang fails to address the above-noted failures of Curry and Crosbie (and Rabipour), as discussed above in section II. Thus, claims 2, 9, 17, 20, 25, 76 and 84 are also non-obvious and patentably

⁷ *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

⁸ See, e.g., Office Action mailed August 20, 2008, pages 14-15

distinguishable over the cited prior art references.⁹ Further, each of these claims separately recites subject matter not disclosed or suggested by any combination of the cited references.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 2, 9, 17, 20, 25, 76 and 84 under 35 U.S.C. §103(a) as being obvious over Curry in view of Crosbie and further in view of Jiang.

IV. Rejection of Claim 87 under 35 U.S.C. §103(a)

Claim 87 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Curry et al. (US 2003/0169727) in view of Crosbie (US 2002/0035699 A1) and further in view of Rabipour et al. (US 2002/0107593).

Applicants respectfully traverse this rejection, as any combination of Curry, Crosbie and Rabipour is not sufficient to render the claims *prima facie* obvious, as discussed above in detail in section II with respect to independent claim 11, from which claim 87 depends. Thus, claim 87 is also non-obvious and patentably distinguishable over the cited prior art references.¹⁰ Further, claim 87 recites a combination of subject matter that is further not disclosed or suggested by any combination of the cited references.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claim 87 under 35 U.S.C. §103(a) as being obvious over Curry in view of Crosbie and further in view of Rabipour.

V. Rejection of Claim 86 under 35 U.S.C. §103(a)

Claim 86 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Curry et al. (US 2003/0169727) in view of Crosbie (US 2002/0035699 A1) and further in view of Jiang (US 7,058,076 B1) as applied to claim 84, and further in view of Rabipour et al. (US 2002/0107593).

Applicants respectfully traverse this rejection as discussed above in section II, and further note that this rejection is moot as claim 86 has been cancelled.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claim 86 under 35 U.S.C. §103(a) as being obvious over Curry in view of Crosbie and further in view of Rabipour.

⁹ MPEP 2143.03.

¹⁰ MPEP 2143.03.

CONCLUSION

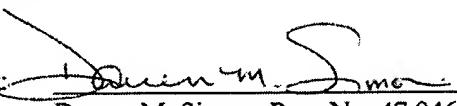
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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